CWP No.1769 of 2007.

20.12.2007. Present: Mr.Sanjeev Bhushan, counsel for the petitioners.
Mr.M.S. Chandel, Advocate General, with Mr.R.M. Bisht, Dy.A.G., for respondents No.1 to 3.

The petitioners have filed this writ petition praying therein that the Original Application No.2087 of 2007 filed by them before the H.P. State Administrative Tribunal may be called for and may be treated as a writ petition filed in this Court.

The petitioners, who are members of the Himachal Police Service, filed an Original Application before the learned Tribunal challenging the seniority granted to respondent No.4. The petitioners, alongwith the writ petition, have placed orders passed by the learned Tribunal, which show that the Chairman and all the other Members of the Tribunal, as on date, have refused to hear the petition. As such, there is none available to hear the grievance of the petitioners before the learned Tribunal.

We are of the considered view that no person should be left remedyless. We are aware that the Apex Court judgment in **L.Chandra Kumar v. Union of India and others, AIR 1997 Supreme Court 1125,** has laid down that initially every petition should be filed before the learned Tribunal and this Court has been directed not to entertain a petition at the first instance unless the parties have first approached the learned Tribunal. However, the facts of this case are such that it may be imperative for us to exercise our extraordinary writ jurisdiction because the Chairman and all the Members of the H.P. State Administrative Tribunal have refused to hear the petition.

We, therefore, call for the records of the Original Application No.2087 of 2007 from the records of the H. P. State Administrative

Tribunal and direct that the same be registered as a writ petition. Thereafter, the same be put up for admission.

In view of the above directions, the present petition stands disposed of.

CMPs No.2830 of 2007 and 2831 of 2007:

Infructuous.

(Deepak Gupta), J.

December 20, 2007. **(V.K. Ahuja), J.**
(TILAK)